

1                                   **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3                                   **ORDINANCE NO. O-4-04**

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5                                   **Introduced by Mayor Moyer**  
6   **Alderman Hammond**  
7   **Alderman Cordle**  
8   **Alderwoman Carter**  
9   **Alderman Fox**  
10   **Alderman Cohen**

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15       **AN ORDINANCE** concerning

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17                                   **Chesapeake Marine Tours - Lease Amendment**

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19       **FOR** the purpose of authorizing a one-year extension of an existing lease of certain  
20               municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the  
21               purpose of docking and mooring certain boats at the City Dock; and all matters  
22               relating to said amendment to lease.

23   \* \* \* \* \*

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26       **WHEREAS,** pursuant to Ordinance O-84-94, the City of Annapolis and Chesapeake  
27               Marine Tours, Inc. entered into a lease dated November 15, 1994, for certain  
28               docking space at the City Dock for an original term of five years beginning  
29               April 1, 1995 and terminating March 31, 2000 and a renewal term of five years  
30               beginning April 1, 2000 and terminating March 31, 2005 at specified rental and  
31               under certain terms and conditions; and

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33       **WHEREAS,** pursuant to Ordinances O-51-99, O-10-01, O-8-02, and O-8-03, the City of  
34               Annapolis and Chesapeake Marine Tours, Inc. entered into amendments to  
35               the Lease extending the term of the Lease through June 30, 2009, and

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37       **WHEREAS,** the parties are agreeable to extending the term of that Lease, as amended;  
38               and

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40       **WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the  
41               passage of an ordinance to authorize said Lease and by implication, any  
42               amendment to a previously adopted Lease.

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44                       **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
45       **COUNCIL** that the proposed Amendment to Lease, a copy of which is attached hereto and

1 made a part hereof, between the City of Annapolis and Chesapeake Marine Tours, Inc.  
2 d/b/a Watermark Cruises, is hereby approved, and the Mayor is hereby authorized to  
3 execute the Amendment to Lease on behalf of the City. It is further expressly found by the  
4 City Council that the services to be provided as a result of the Lease will benefit visitors and  
5 residents of the City, will generate tax revenues and additional rental income to the City, and  
6 will better serve the public need for which the property was acquired.  
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8 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
9 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its  
10 passage.  
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12 **ADOPTED** this 12<sup>th</sup> day of April, 2004.  
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14 **ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

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16  
17 \_\_\_\_\_  
18 Deborah Heinbuch, MMD  
19 City Clerk  
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**BY:** \_\_\_\_\_  
**ELLEN O. MOYER, MAYOR**

## AMENDMENT TO LEASE

THIS AMENDMENT, dated \_\_\_\_\_ of \_\_\_\_\_, 2003, by and between the CITY OF ANNAPOLIS, a Maryland municipal corporation, Lessor, and CHESAPEAKE MARINE TOURS, INC., a Maryland municipal corporation, d/b/a Watermark Cruises, Lessee.

### WITNESSETH

- A. The parties have heretofore entered into a succession of leases beginning in 1972 for Lessee to dock its vessels and carry on its business at City Dock.
- B. The lease currently in effect is dated November 15, 1994, (hereinafter called "the Lease") and was renewed by three Amendments to Lease, dated February 17, 2000 and June 6, 2001 and April 15, 2002, and June 6, 2003, in effect through June 30, 2009.
- C. By this amendment the parties intend to amend a portion of the terms of the existing Lease as amended by providing for a one-year extension of the term.
- D. Lessor has approved this amendment pursuant to Ordinance No. O-XX-04.

NOW THEREFORE, in consideration of the rent reserved and the various agreements and covenants of the parties, they do agree as follows:

- 1. Paragraph 2 of the Lease as amended, titled Term is hereby amended by adding a sixth sentence to read:  
"At the end of its current term, the term of this Lease as amended, shall renew and be extended for a period of one year, commencing July 1, 2009 and terminating June 30, 2010."
- 2. As specifically amended above, the parties intend that the Lease as amended remain in full force and effect and by these presents they do hereby ratify and affirm same.

ATTEST: LESSOR:  
CITY OF ANNAPOLIS

\_\_\_\_\_  
City Clerk By: \_\_\_\_\_  
Ellen O. Moyer, Mayor

ATTEST: LESSEE:  
CHESAPEAKE MARINE TOURS, INC.

\_\_\_\_\_  
Debbie H. Gosselin, President

Approved as to form and legal sufficiency this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Shaem C. Spencer, City Attorney